IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR. JUSTICE N.V. RAMANA

WRIT PETITION NO : 20493 of 1995

Between:

1 Gudem Sathi Reddy alias Sathaiah, S/o Venkat Reddy
R/o Patancheru Village and Mandal, Medak District.
2 Gudem Madhusudhan Reddy, S/o Sathi Reddy,
R/o Patancheru Village and Mandal, Medak District.

..... PETITIONERS

AND

1 The District Panchayat Officer, at Sanga Reddy,
Medak District.
2 The Mandal Revenue Officer, Patancheru Mandal,
Medak District.
3 The Executive Officer, Gram Panchayat, Patancheru,
Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ or writs, order or direction, declaring and setting aside the order dt. 25.8.95 issued in proceedings No. 72/GPP/95 on the file of the third respondent, as illegal, arbitrary and without jurisdiction, by directing the respondents not to interfere with the constructions being made by the petitioners in the land bearing Sy.No.739 situated at Patancheru Village and Mandal, Medak District.

For the Petitioners: MR. K. RAGHUVEER REDDY, Advocate.

For the Respondent Nos.1 & 2: GP FOR PANCHAYAT RAJ &

RURAL DEV.

For the Respondent No.3: Mr. Jyothi Eswar, Standing Counsel

The Court made the following :

ORDER:

The petitioners filed this writ petition, seeking to declare the Notice issued by the third respondent-Gram Panchayat in proceedings No.72/GPP/95, dated 25-8-1995 as illegal and arbitrary and to set aside the same, and to direct the respondents not to interfere with the constructions being made by the petitioners in their land.

The petitioners claim to be owners of Ac.1-24 of land in survey No.739 of Patancheru village and Mandal of Medak District, having purchased the same under a registered sale deed from its original owners. During the year 1989-90 they made constructions in an extent of 500 square yards by obtaining permission from the local authority. It is alleged that one Mr. Syed Lateef Ahmed, claiming as the President of Muslim Welfare Association, filed O.S. No.208 of 1990 on the file of District Munsif, Sangareddy disputing the title of the petitioners in the said land and ultimately the said suit was dismissed. In pursuance of the permission obtained from the third respondent under proceedings dated 17-12-1993 and renewal permission in proceedings dated 22-11-1994, the petitioners started making constructions in the land and when the constructions came up to roof level, the third respondent as per the directions of respondents 1 and 2 basing on a false complaint made by some persons who lost in the civil suit, issued the impugned notice directing the petitioners to stop the constructions forthwith. Assailing the impugned notice, the petitioners filed the present writ petition.

Even though the writ petition was admitted in the year 1995, no counter-affidavit is filed either by the Government Pleader or by the third respondent-Gram Panchayat.

When the matter came up for hearing today, the learned Standing Counsel for the third respondent-Gram Panchayat submitted that in view of the interim order passed by this Court in W.P.M.P. No.25148 of 1995, dated 19-9-1995, the petitioners have not completed the construction. He admitted that before issuing the impugned notice directing to stop the construction, the third respondent-Gram Panchayat had not

issued any show-cause notice to the petitioners regarding their title to the land.

In view of the above submissions of the learned Standing Counsel for the third respondent-Gram Panchayat and having regard to the facts and circumstances of the case, there is no need to keep this writ petition pending and I deem it appropriate to dispose of the writ petition in the following terms:

The respondents shall, if they so intend to dispute the title of the petitioners in respect of the land in question, first issue notice to the petitioners, and conduct enquiry and pass appropriate orders in respect thereof. Till passing of such orders, the respondents shall not interfere with the possession of the petitioners in respect of the land in question. No costs.

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N.V. RAMANA, J

Date: 12-10-2004

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To

1 The District Panchayat Officer, at Sanga Reddy,
Medak District.

2 The Mandal Revenue Officer, Patancheru Mandal,
Medak District.
3 The Executive Officer, Gram Panchayat, Patancheru,
Medak District.

4 Two CCs. to Government Pleader for Panchayat Raj & Rural Development, High Court Buildings, A.P., Hyderabad (OUT).

5 Two CD copies.